

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

JONATHAN MORTON,

Plaintiff,

v.

CURTIS E CHAMBERS, et al.;

Defendants.

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CIVIL ACTION NO. 5:17-CV-00075-RWS

ORDER

The Plaintiff Jonathan Morton, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. § 1983 complaining of alleged violations of his constitutional rights during his confinement in the Gregg County Jail. This Court referred the case to the United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Morton filed a motion for voluntary dismissal of this lawsuit. Docket No. 4. The Magistrate Judge issued a Report (Docket No. 6) recommending this motion be granted. TDCJ records show Morton was released from prison on October 5, 2018, but he has not provided the Court with his current mailing address. A copy of the Magistrate Judge's Report was sent to Plaintiff at his last address on record, return receipt requested, but no objections have been received. *See* Docket No. 7. Accordingly, he is not entitled to *de novo* review by the District Judge of those findings, conclusions and recommendations, and except upon grounds of plain error, he is barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. 28 U.S.C. § 636(b)(1)(C); *Douglass v. United Services Auto. Assoc.*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).

Nonetheless, the Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge and agrees with the Report of the Magistrate Judge. *See United States v. Raddatz*, 447 U.S. 667, 683 (1980) (“[T]he statute permits the district court to give to the magistrate’s proposed findings of fact and recommendations ‘such weight as [their] merit commands and the sound discretion of the judge warrants, . . .’”) (quoting *Mathews v. Weber*, 23 U.S. 261, 275 (1976)). It is accordingly

ORDERED the Report of the Magistrate Judge (Docket No. 6) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** on the Plaintiff’s motion. Finally, it is

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED**.

So **ORDERED** and **SIGNED** this 18th day of September, 2019.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE